

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MILWAUKEE COUNTY, et al.,

Plaintiffs,

v.

Case No. 2:06-cv-00372-CNC

MERCER HUMAN RESOURCE  
CONSULTING, INC.,

Defendant.

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**DECLARATION OF JAMES T. SOUTHWICK**

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James Southwick, under penalty of perjury and pursuant to 28 U.S.C. §1746, declares the following:

1. Attached as Exhibit A is a copy of the unpublished Westlaw opinion in *State Farm Fire & Casualty Co. v. Toshiba America Consumer Products Inc.*, 2006 WL 897781 (E.D. Wis. 2006), which is cited in plaintiffs' brief.
2. Attached as Exhibit B is the report of Mercer's designated expert John W. Peavy III.
3. Attached as Exhibit C are excerpts from the deposition of John W. Peavy III.
4. Attached as Exhibit D is a copy of the published decision of the Wisconsin Court of Appeals in *Bilda et al v. Milwaukee County et al.*, 295 Wis. 2d 673 (Wis. Ct. App. 2006), which is cited and discussed in plaintiffs' brief.
5. Attached as Exhibit E is a copy of the unpublished Westlaw opinion in *Klaczak v. Consol. Med. Trans., Inc.*, 2005 WL 1564981 (N.D. Ill. 2005), which is cited in plaintiffs' brief.
6. Attached as Exhibit F is a copy of the unpublished Westlaw opinion in *Diamond v. Flanders Diamond*, 2003 WL 25672803 (N.D. Ill. 2003), which is cited in plaintiffs' brief.

Dated: October 17, 2008

s/James T. Southwick  
James T. Southwick